IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 01.08.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.MANIKUMAR

Habeas Corpus Petition No.683 of 2006

D.Ragothaman ... Petitioner

vs.

1. Dakshna Moorthy

2. State rep. by
Inspector of Police (Crime),
Nellikuppam, Panruti Taluk,
Cuddalore District.

3. Superintendent of Police,
Cuddalore District. ... Respondents

Petition under Article 226 of the Constitution of India for the issuance of a writ of habeas corpus directing the respondents to produce the body of Gunasundari, wife of the petitioner, before court and restore her with the petitioner to lead a peaceful wedded life according to the prevailing Hindu Custom.

For Petitioner : Mr.K.Rajendran
For Respondent-1 : Mr.Mohammed Qamar Ahmed
For Respondent-2 : Mr.Babu Muthu Meeran,
Addl. Public Prosecutor.

O R D E R

(Order of the Court was made by P.SATHASIVAM, J.)

The petitioner by name D.Ragothaman has filed this petition seeking for a direction to the respondents to produce his wife Gunasundari before this Court and restore her with him to lead a peaceful wedded life.

2. Pursuant to the direction of this Court, detenu Gunasundari appeared before us. We enquired her. She admitted the marriage between herself and the petitioner, however, she states that, due to misunderstanding, she is

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presently residing with her father, viz., the first respondent herein. She asserted that, in view of the attitude of the petitioner/husband, she does not want to go and live with him. She also informed us that she is not under the illegal detention or custody of any one including the first respondent and that she is residing with her father/first respondent on her own volition.

3. In view of the assertion of the detenu and of the fact that she is a major, we are of the view that no further adjudication is required in this petition, accordingly, the same is dismissed. The petitioner is at liberty to vindicate his grievance before appropriate forum, if he so desires.

JI.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Inspector of Police (Crime), Nellikuppam, Panruti Taluk,
Cuddalore District.
2. The Superintendent of Police, Cuddalore District.

3. The Public Prosecutor, High Court, Madras

+ one cc to Mr. K. Rajendran, Advocate sr no. 34281
+ one cc to Mr. Qumar Ahamed, Advocate sr no. 34073

PLI(CO)
NM(04.08.2006)

HCP No.683 of 2006.

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